

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL HUMBERTO  
GARCIA-OCAMPO,

Defendant.

Case No. 99-cr-0606-GT

ORDER GRANTING THE UNITED STATES'  
MOTION TO MODIFY/AMEND RECORD TO  
ADD REPORT OF DEPUTY U.S. MARSHAL

After considering the United States' motion to amend the record in the above-captioned case (Doc. # 78) and the opposition brief filed by defendant Gabriel Humberto Garcia-Ocampo ("Defendant") (Doc. # 79), the Court CONCLUDES the following:

1. The motion is suitable for decision without oral argument.
2. The United States timely alerted the Court in its opposition brief (Doc. # 60 at 2 n.1) that the assigned Deputy U.S. Marshal assigned to Defendant's case was unavailable at the time the Court heard Defendant's motion to dismiss the order to show cause (Doc. # 55) because he was on extended military leave.
3. By the time the Deputy U.S. Marshal became available, the Court had already ruled on Defendant's motion to dismiss the order to show cause. (Doc. # 65.)

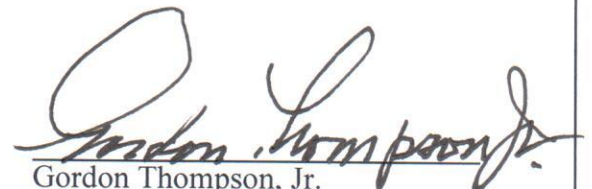
//

//

1 4. But for the United States' failure to request the Court do so, the Court would have allowed the  
2 United States' to admit the report from the assigned Deputy U.S. Marshal after it became  
3 available, in further support of its opposition to Defendant's motion to dismiss the order to show  
4 cause, despite the Court having already denied the motion.

5 Therefore, the Court ORDERS the report of the Deputy U.S. Marshal, Exhibit # 1 of the United  
6 States' motion to amend the record (Doc. # 78), added to the record pursuant to Federal Rules of  
7 Appellate Procedure Rule 10(e)(2)(B).

8 IT IS SO ORDERED.

9  
10  
11   
12 Gordon Thompson, Jr.  
13 United States District Judge  
14 Southern District of California  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
1-24-12